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| APPLICATION NO.                    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/542,948                         | 07/21/2005  | Emmanuel Legrand     | 047578/294904       | 9148             |
| 826                                | 7590        | 07/30/2007           | EXAMINER            |                  |
| ALSTON & BIRD LLP                  |             |                      | GRANT, ALVIN J      |                  |
| BANK OF AMERICA PLAZA              |             |                      |                     |                  |
| 101 SOUTH TRYON STREET, SUITE 4000 |             |                      |                     |                  |
| CHARLOTTE, NC 28280-4000           |             |                      |                     |                  |
|                                    |             |                      | ART UNIT            | PAPER NUMBER     |
|                                    |             |                      | 3723                |                  |
|                                    |             |                      | MAIL DATE           | DELIVERY MODE    |
|                                    |             |                      | 07/30/2007          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                                   |  |
|------------------------------|-------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/542,948 | Applicant(s)<br>LEGRAND, EMMANUEL |  |
|                              | Examiner<br>Alvin J. Grant    | Art Unit<br>3723                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/21/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 9, 10 and 12-16** are rejected under 35 U.S.C. 102(b) as being anticipated by Ballas et al. 4,035,912.

Ballas et al. cutting head for a brush cutter, edge trimmer or similar, of the type comprising a passageway for a cutting string (22c) and a movable locking element (65) suitable for locking the string (22c) in its passageway, in that the passageway is rectilinear and offset from a central axis of the head and opens at both ends at the periphery of the head, and in that the movable locking mobile element is a one way-locking element, whereby a strand of string can be readily inserted into the passageway from a first end opening thereof and extracted from the passageway from the second end opening thereof; the movable locking element is located between the passageway and the periphery of the head; the movable locking element (65) comprises, in the region of one extremity on the side of engagement with the cutting string, a string guidance cut-away section; the movable locking element comprises on a working face arrangements of for gripping with the string; the gripping arrangements are provided substantially along the whole extent of the working face of the movable locking element; the movable locking element comprises in a working face a longitudinal slot suitable for

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at least partially receiving the cutting string; the cutting string presents a rugged section, and in that the movable locking element is suitable for acting on a ridge of the string; the movable locking element is suitable for moving in translation in a direction generally transverse to a radial direction of the head; and a vegetation cutting device such as a brush cutter, edge trimmer or similar, in that it comprises a cutting head and a motor suitable for driving said head in rotation (Figs. 4 and 8).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3-8, 11, 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballas et al. in view of Allis 6,581,292.

Ballas et al. is described above. **Referring to claims 3-8**, Ballas et al. does not specifically disclose a shoe forced to move in an oblique direction. Allis discloses a trimming apparatus in which the shoe forced to move in an oblique direction so to maximize the force exerted on the string. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the apparatus of Ballas et al. to have the shoe forced to move in an oblique direction as taught by Allis so as to maximize the force exerted on the string.

**Referring to claim 11**, Ballas et al. does not specifically disclose the gripping element comprises teeth. Allis teaches the use of gripping teeth so as to preclude the occurrence of the string slipping. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the gripping element of Ballas et al. to have teeth as taught by Allis so as to preclude the occurrence of the string slipping.

**Referring to claim 14**, Ballas et al. does not specifically disclose the locking element being suitable for handling string having a rugged section, Allis discloses the use of a locking element being suitable for handling string having a rugged section so as to ensure a sturdy connection between the locking element and the string. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the apparatus of Ballas et al. to use of a locking element being suitable for handling string having a rugged section as taught by Allis so as to ensure a sturdy connection between the locking element and the string.

**Referring to claim 15**, Ballas et al. does not specifically disclose the locking element being suitable for moving in translation in a direction generally transverse to a radial direction of the head. Allis discloses the locking element being suitable for moving in translation in a direction generally transverse to a radial direction of the head so as to increase the locking force on the string. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the apparatus of Ballas et al. to make the locking element being suitable for moving in translation in a

direction generally transverse to a radial direction of the head as taught by Ballas et al.  
so as to increase the locking force on the string.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J. Grant whose telephone number is (571) 272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Alvin J Grant  
Patent Examiner  
Art Unit 3723

ajg